

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEALS NOS. 4519 TO 4542 OF 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? Yes

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil  
Judge? No

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ADDL.SPL.LAQ OFFICER

Versus

DOLABHAI B PATEL

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Appearance:

Mr.M.R.Anand, Senior Counsel, with Mr. L.R.Poojari,  
Assistant Government Pleader, for the Appellants.

Mr. A.J.Patel, Advocate, for the Respondent.

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 15/04/96

ORAL JUDGEMENT

Notice. Mr. A.J.Patel waives service of Notice for the respondent.

2. I have heard the learned Counsel for the respective parties. During the course of hearing, it becomes obvious that the trial Court has relied upon two earlier decisions in land acquisition cases decided under section 18 of the Land Acquisition Act, 1894, that is to say, Exhibits 43 and 44. It is on the basis of these two decisions that the market value in the impugned decision is fixed at Rs.12/- per square metre.

2.1 However, learned Government Pleader stated that the earlier decisions relied upon at Exh.44 had been challenged earlier before this Court by way of separate Appeals, being (1) First Appeal No.521 of 1990 and (2) First Appeal No.529 of 1990, which were heard and dismissed by the Division Bench of this Court by its judgment and order dated 19th July 1990 (Coram: R.A.Mehta and K.J.Vaidya, J.J.).

3. In the premises aforesaid, Exh.44 having been upheld by this Court, no substantive contention could be raised by the appellant in the present appeal. The same is therefore dismissed. Notice is discharged with no order as to costs.

4. The appellant - State is directed to deposit in the trial Court the entire amount of the award together with costs and interest, separately in each land acquisition case, latest by 15th July 1996.

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